Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) A device for the delivery of a substance to the eye comprising:

a housing for holding the substance; and

a non-aerosol, non-electric delivery mechanism comprising a tubular member disposed within the housing, an actuation mechanism positioned at the top of the housing, and at least one outlet port in the actuation mechanism in communication with the tubular member, wherein the delivery mechanism is configured such that substance is delivered from the housing, through the tubular member, through the outlet port, and to the eye in the form of a spray or mist, and wherein the outlet port is sized and configured to deliver the spray or mist with a maximum height of 15 mm and a maximum width of 30 mm.

2. (Currently amended) A device for the delivery of an artificial tears or demulcent composition to the eye comprising:

a housing for holding the substance; and

a non-aerosol, non-electric delivery mechanism~~, mechanism~~ comprising a tubular member disposed within the housing, an actuation mechanism positioned at the top of the housing, and at least one outlet port in the actuation mechanism in communication with the tubular member, wherein the delivery mechanism is configured such that substance is delivered from the housing, through the tubular member, through the outlet port, and to the eye in the form of a spray or mist, and wherein the outlet port is configured to deliver the spray or mist in an elliptical shape.

3. (Original) The device of claim 1 or 2, wherein the force of the spray or mist is sufficient to deliver the spray or mist to the eye without the aid of gravity.

4. (Original) The device of claim 1 or 2, wherein the spray is delivered to the eye in a substantially horizontal direction.

5. (Original) The device of claim 1 or 2, wherein the housing is hollow and the substance is contained within the hollow of the housing.

6. (Canceled)

7. (Original) The device of claim 1 or 2, wherein the housing contains a reservoir that holds the substance.

8. (Original) The device of claim 1 or 2, wherein the housing is fabricated of a rigid material to prevent collapse of the housing during use.

9. (Original) The device of claim 1 or 2, wherein the housing is hollow and walls forming the housing have a thickness sufficient to prevent collapse of the housing during use.

10. (Original) The device of claim 1 or 2, wherein the housing is fabricated of a translucent material.

11. (Original) The device of claim 1 or 2, wherein the housing is cylindrical in shape.

12. (Original) The device of claim 1 or 2, wherein the housing is at least 0.75 inch in length.

13. (Original) The device of claim 1 or 2, wherein the housing is at least 0.15 inch in its greatest cross-sectional width.

14. (Original) The device of claim 12, wherein the housing is between about 2.5 inches to about 5 inches in length.

15. (Original) The device of claim 13, wherein the housing is between about 0.2 inch and 2 inch in its greatest cross-sectional width.

16. (Original) The device of claim 1 or 2, wherein the housing is hollow and walls of the housing have a thickness of at least about 0.1 mm.

17. (Original) The device of claim 14, wherein the thickness of the walls is between about 0.1 mm to about 3 mm.

18. (Canceled)

19. (Previously presented) The device of claim 1 or 2, wherein the actuation mechanism is rotatable with respect to the housing such that rotating the actuation mechanism with respect to the housing delivers the substance to the eye.

20. (Previously presented) The device of claim 1 or 2, wherein the actuation mechanism is movable upwards and/or downwards with respect to the housing such that movement of the actuation mechanism upwards and/or downwards with respect to the housing delivers the substance to the eye.

21. (Original) The device of claim 18, wherein the actuation mechanism includes a spray nozzle.

22. (Original) The device of claim 21, wherein the spray nozzle is positioned at the top of the housing and is movable downwards towards the housing such that moving the spray nozzle downwards causes the substance to be delivered to the eye.

23. (Original) The device of claim 21, wherein spray nozzle is rotatable with respect to the housing such that rotation of the spray nozzle delivers the substance to the eye.

24. (Original) The device of claim 1 or 2, further comprising a non-aerosol pump for delivery of the substance to the eye.

25. (Original) The device of claim 1 or 2, further comprising a non-electrically produced pump for delivery of the substance to the eye.

26. (Original) The device of claim 25, wherein the non-electrically produced pump is a non-piezoelectric or non-electromagnetic pump.

27. (Original) The device of claim 1 or 2, wherein the substance is delivered to the eye in the form of a spray or mist having a force less than that of an aerosol or electrically produced spray or mist.

28. (Original) The device of claim 1 or 2, wherein the force of the spray or mist delivered by the device is manipulated by varying the size of the outlet port.

29. (Original) The device of claim 1 or 2, wherein the force of the spray or mist delivered by the device is manipulated by varying the flow of substance through the outlet port.

30. (Previously presented) The device of claim 1 or 2, wherein the delivery mechanism further comprises a valve, wherein the valve allows and prevents the delivery of substance to the eye.

31. (Original) The device of claim 30, wherein the valve is a pressure-responsive valve.

32. (Original) The device of claim 1 or 2, wherein the device has a flowpath for the substance from the housing and out of the outlet port, and wherein the device further includes one or more portions along the flowpath that block the flowpath when the delivery of the substance is prevented and wherein the one or more portions along the flowpath open the flowpath when the substance is delivered.

33. (Original) The device of claim 1 or 2 further comprising an extension substantially or completely surrounding the outlet port and extending in the direction that the spray or mist is delivered wherein the extension assists in directing the substance to the eye and assists in preventing the substance from being delivered to areas outside of the eye.

34. (Original) A method for the delivery of an artificial tears composition to the ocular surface comprising:

providing a device in accordance with claim 1 or 2; and

delivering the composition to the ocular surface, wherein delivery is not dependent on gravitational forces.

35. (Original) The method of claim 34, wherein the step of delivering the composition to the ocular surface comprises delivering the composition to the ocular surface in the form of a non-aerosol spray or mist.

36. (Previously presented) The method of claim 35, wherein the step of delivering the composition to the ocular surface comprises delivering the composition to the ocular surface in the form of a non-electrically produced spray or mist.

37. (Original) The method of claim 36, wherein the composition is delivered to the ocular surface in the form of a non-piezoelectric or non-electromagnetic spray or mist.

38. (Original) A method for the delivery of an artificial tear composition to the ocular surface comprising:

providing a device in accordance with claim 1 or 2; and

delivering the composition to the ocular surface in the form of a spray or mist in a generally horizontal direction.

39. (Original) The method of claim 38, wherein the device further comprising an actuation mechanism in connection with the delivery mechanism and the method further comprises manipulating of the actuation mechanism to delivers the composition to the ocular surface.

40. (Original) The method of claim 39, wherein the actuation mechanism is rotatable with respect to the housing and wherein the step of manipulating the actuation mechanism comprises rotating the actuation mechanism with respect to the housing.

41. (Original) The method of claim 39, wherein the actuation mechanism is movable upwards and/or downwards with respect to the housing and wherein the step of manipulating the actuation mechanism comprises moving the actuation mechanism upwards and/or downwards with respect to the housing.

42. (Original) The method of claim 38, wherein the delivery mechanism includes a non-aerosol pump and the method further comprises activating the pump to assist in delivering the composition to the ocular surface.

43. (Original) The method of claim 38, wherein the step of delivering the composition to the ocular surface in the form of a spray or mist in a generally horizontal direction provides for delivery of the composition in the form of a spray or mist having a force less than that of an aerosol or electrically produced spray or mist.

44. (Original) The method of claim 38, wherein the method further comprises manipulating the force of the spray or mist delivered by the device by varying the size of the outlet port.

45. (Original) The method of claim 38, wherein the method further comprises manipulating the force of the spray or mist delivered by the device by varying the flow of substance through the outlet port.

46. (Original) The method of claim 38, wherein the method further comprises manipulating the force of the spray or mist delivered by the device by varying the proximity of the outlet port with respect to the ocular surface.

47. (Original) The method of claim 39, wherein the method further comprises manipulating the force of the spray or mist delivered by the device by utilizing varying amounts of force on the actuation mechanism.

48. (Original) The method of claim 38, wherein the device further comprises one or more valves and wherein the method further comprises opening the valve to allow for delivery of the composition.

49. (Currently amended) A method for the delivery of a substance to the ocular surface of a patient comprising:

providing a non-aerosol, non-electric delivery device housing the substance and comprising a housing, a tubular member disposed within the housing, an actuation mechanism positioned at the top of the housing, and at least one outlet port in the actuation mechanism in communication with the tubular member;

positioning the patient's head such that the line of sight is in a generally horizontal direction;

positioning device in front of the eye a distance away from the eye without contacting the eye in the line of sight with the housing in an upright position with the actuation mechanism and outlet port positioned at the top of the housing; and

delivering the substance to the eye as a spray or mist in a generally horizontal direction.

50. (Canceled)

51. (Original) The device of claim 1 or 2, wherein the device is reusable.

52. (Original) The device of claim 1 or 2, wherein the device is disposable.

53. (Previously presented) The device of claim 1 , wherein the actuation mechanism is removable.

54. (Original) The device of claim 51, wherein the housing is refillable with the substance.

55. (Original) The device of claim 51, wherein the housing is configured to hold one or more refill cartridge holding the substance.

56. (Original) The device if claim 51, wherein the housing is replaceable with new housings holding the substance.

57. (Currently amended) A device for treating the eye comprising:

a housing holding one or more substances and being free of propellant;

a non-aerosol, non-electric delivery mechanism comprising a tubular member disposed within the housing and at least one outlet port in communication with the tubular member, the delivery mechanism configured such that the substance is delivered to the eye via the tubular member and outlet port in the form of a spray or mist, and wherein

the outlet port is sized and configured to deliver the spray or mist with a maximum height of 15 mm and a maximum width of 30 mm.

58. (New) The device of claim 1, wherein the outlet port is configured to deliver the spray or mist in an elliptical shape.